

Item # _____

Prepared by: Gloria Kelly
Real Estate Services

Approved by: Lisa Kelly
Assistant County Attorney

RESOLUTION GRANTING A PERMANENT TELECOMMUNICATIONS EASEMENT AND A PERMANENT UTILITY EASEMENT TO BELL SOUTH TELECOMMUNICATIONS, INC., ACROSS COUNTY OWNED REAL PROPERTY KNOWN AS THE SHELBY COUNTY SHERIFF'S SUBSTATION PROPERTY LOCATED AT 11670 MEMPHIS-ARLINGTON ROAD; AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE THE PERMANENT TELECOMMUNICATIONS EASEMENT AND PERMANENT UTILITY EASEMENT DOCUMENT. SPONSORED BY COMMISSIONER DEIDRE MALONE.

WHEREAS, Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, is proposing to install underground telecommunications cables and pad-mounted switch cabinets to improve area telephone service; and

WHEREAS, These telecommunications cables and cabinets are proposed to be located on County owned real property known as the Shelby County Sheriff's Substation property located at 11670 Memphis-Arlington Road and further identified as Tax Parcel No. A0141 00338; and

WHEREAS, It is necessary, in conjunction with the installation of said underground telecommunications cables and pad-mounted switch cabinets, that Shelby County grant a 20' wide Permanent Telecommunications Easement, totaling 408 square feet, and a 5' wide Permanent Utility Easement, totaling 178 square feet, to Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, across a certain portion of said County owned real property, which portion being more particularly described in the attached Permanent Telecommunications Easement and Permanent Utility Easement document, which is hereby incorporated by reference; and

WHEREAS, Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, has offered to purchase said Permanent Telecommunications Easement and Permanent Utility Easement for \$ 5,000.00; and

WHEREAS, T.C.A. §5-7-101 allows Shelby County to make any order for the disposition of its real property, including but not limited to the granting of easements across the same; and

WHEREAS, It is deemed to be in the best interest of Shelby County to grant said Permanent Telecommunications Easement and Permanent Utility Easement to Bellsouth

Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, for \$ 5,000.00 for the aforesaid use to improve area telephone service.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the aforementioned 20' wide Permanent Telecommunications Easement and 5' wide Permanent Utility Easement be and the same be hereby granted to Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, for \$ 5,000.00 and that the Mayor be and he is authorized to execute the attached Permanent Telecommunications Easement and Permanent Utility Easement document granting the same.

BE IT FURTHER RESOLVED, That if the installation of said Telecommunications cable and cabinets does not begin within the next three (3) years, or should the easements hereby granted be subsequently abandoned by Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, then and in either of these events, these easements shall automatically become void and the rights granted revert back to Shelby County or its lawful successor.

BE IT FURTHER RESOLVED, That the granting of said easements do not permit any dirt removal or filling within the said easement areas without prior approval from the County Engineer.

BE IT FURTHER RESOLVED, That this Resolution shall take effect from and after the date it shall have been enacted according to due process of law, the public welfare requiring it.

BE IT FURTHER RESOLVED, That the proceeds from the grant of said Permanent Telecommunications Easement and Permanent Utility Easement in the amount of \$ 5,000.00 shall be credited to Account No. 010-307501-9421, Proceeds from Sale of Capital Assets.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED _____

SUMMARY SHEET

I. Description of Item

Bellsouth Telecommunications, Inc. needs to install underground telecommunications cables and pad-mounted switch cabinets across County owned real property known as the Shelby County Sheriff's Substation property located at 11670 Memphis-Arlington Road to improve area telephone service. In conjunction with the installation of said underground telecommunications cables and pad-mounted switch cabinets, Shelby County has been requested to grant a 20' wide Permanent Telecommunications Easement, totaling 408 square feet, and a 5' wide Permanent Utility Easement, totaling 178 square feet, to Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee. Chief Dave Wing, Arlington Sheriff Substation, agreed with Shelby County to allow Bellsouth to stake and install underground telecommunications cables and pad mounted switch box. Bellsouth Telecommunications, Inc. has offered to purchase said Permanent Telecommunications Easement and Permanent Utility Easement for \$5,000.00. Based upon the above, the Administration recommends that the grant of said easements be approved.

II. Source and Amount of Funding

No County Funds Required

III. Contract Items

Permanent Telecommunications Easement and Permanent Utility Easement document

IV. Additional Information Relevant to Approval of this Item

**PERMANENT TELECOMMUNICATIONS EASEMENT
AND
PERMANENT UTILITY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, That on this the ____ day of _____, 2009, for and in consideration of the sum of Five Thousand Dollars (\$5,000.00), cash in hand paid, by **Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee**, (hereinafter termed "Grantee"), to **County of Shelby, a Political Subdivision of the State of Tennessee**, (hereinafter termed "Grantor"), the receipt and sufficiency of which is hereby acknowledged; the said Grantor has this day bargained and sold, and does hereby grant and convey unto the **Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee**, and unto its successors, a Permanent Telecommunications Easement and a Permanent Utility Easement to construct, maintain and operate, underground telecommunication cables and pad-mounted telecommunications cabinets for the housing of telecommunications equipment; over under, across and upon the following described lands belonging to the undersigned and situated in the Town of Arlington, County of Shelby, State of Tennessee, and to-wit:

This Permanent Telecommunications Easement and Permanent Utility Easement are over, under, across and upon a portion of a tract of land conveyed to Shelby County, a Political Subdivision of the State of Tennessee, by Deed of Record as described in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under the Instrument Number KE 1014, which easements being more particularly described in metes and bounds as follows:

PERMANENT 20 FOOT WIDE TELECOMMUNICATIONS EASEMENT AREA

COMMENCING at the intersection of the north line of Memphis-Arlington Road (68' Right-of-Way) and the east line of Jetway Drive (80' Right-of Way); thence in a northwardly direction along the east line of said Jetway Drive North 24 degrees 17 minutes 09 seconds West a distance of 765.46 feet to a point, said point being on the north line of the 5 foot wide Permanent Utility easement being granted herein and more particularly described below; thence in an eastwardly direction along the north line of said Permanent Utility easement North 65 degrees 42 minutes 51 seconds East a distance of 34.18 feet to a point, said point being the POINT OF BEGINNING of this Permanent Telecommunications Easement: thence North 34 degrees 48 minutes 02 seconds East a distance of 20.00 feet to a point; thence South 55 degrees 11 minutes 58 seconds East a distance of 20.91 feet to a point; thence; along the arc of the curve to the left having a radius of 60.00 feet, an arc length of 20.09 feet, a chord bearing of South 34 degrees 34 minutes 12 seconds West, a chord distance of 20.00 feet, and a delta angle of 19 degrees 11 minutes 18 seconds to a point; thence North 55 degrees 11 minutes 58 seconds West a distance of 20.99 feet to the POINT OF THE BEGINNING.

The above described easement area contains 408 square feet or 0.0094 acres of land, more or less.

ALL BEARINGS ARE RELATIVE

PERMANENT 5 FOOT WIDE UTILITY EASEMENT AREA

COMMENCING at the intersection of the north line of Memphis-Arlington Road (68' Right-of-Way) and the east line of Jetway Drive (80' Right-of Way); thence in a northwardly direction along the east line of said Jetway Drive North 24 degrees 17 minutes 09 seconds West a distance of 765.46 feet to a point, said point being the **POINT OF BEGINNING** of this Permanent Utility Easement; thence in an eastwardly direction North 65 degrees 42 minutes 51 seconds East a distance of 34.18 feet to a point, said point being the northwest corner of the Permanent Telecommunications Easement being granted herein and more particularly described above; thence in a southeastwardly direction along the southwesterly line of said Permanent Telecommunications Easement South 55 degrees 11 minutes 58 seconds East a distance of 5.83 feet to a point; thence in a westwardly direction North 65 degrees 42 minutes 51 seconds East a distance of 37.18 feet to a point in the east line of Jetway Drive; thence in a northwardly direction along the east line of Jetway Drive North 24 degrees 17 minutes 09 seconds West a distance of 5.00 feet to the **POINT OF THE BEGINNING**.

The above described easement area contains 178 square feet or 0.0041 acres of land, more or less.

ALL BEARINGS ARE RELATIVE

Should the installation of said Telecommunications cable and cabinets does not begin within the next three (3) years, or should the easements hereby granted be subsequently abandoned by Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, then and in either of these events, these easements shall automatically become void and the rights granted revert back to Shelby County or its lawful successor.

The granting of these easements do not permit any dirt removal or filling within the said easement areas without prior approval from the County Engineer.

This Permanent Telecommunications Easement and Permanent Utility Easement are granted to permit the said Grantee, its contractors, employees, and agents ingress/egress and occupancy over, across and upon the above described Permanent Telecommunications Easement and Permanent Utility Easement areas, together with the reasonable right of ingress/egress over any adjacent lands of the undersigned to or from said easements, for the purpose of constructing, reconstructing, said facilities, or appurtenances thereto.

It is hereby expressly agreed and understood that the Permanent Telecommunications Easement and Permanent Utility Easement granted herein shall not be reassigned without prior written approval from the Grantor.

TO HAVE AND TO HOLD the above described easements and right unto **Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee**, and unto its successors, together with the right of exercising all rights reasonably and properly incident to the rights expressly granted.

And the undersigned does hereby warrant the above described easements and rights unto the said Grantee and unto its successors against the lawful claims or demands of any or all persons claiming by, through or under the undersigned.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed by the affixing thereto of the signature of the Mayor of the County of Shelby, the said Mayor being authorized so to do pursuant to Section 4.03-18 of Chapter 260 of the Private Acts of 1974 in accordance with the approval of the Shelby County Board of Commissioners, on the _____ day of _____, 2009, in Resolution # _____.

Grantor: SHELBY COUNTY

By: _____
A C Wharton, Jr., County Mayor

Approved as to Form:

By: _____
Assistant County Attorney /
Contract Administrator

Other County Approvals:

By: _____
County Engineer

By: _____
Land Bank Administrator

By: _____
Real Estate Manager

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **A C WHARTON, JR., Mayor of the County of Shelby**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of the County of Shelby**, the within named bargainor, one of the counties of the State of Tennessee, and that he as such **Mayor** of said county, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Shelby County by himself as such **Mayor** of said County of Shelby.

WITNESS my hand and Notarial Seal, at office in Memphis, in the County aforesaid, this ____ day of _____, 2009

MY COMMISSION EXPIRES:

Notary Public

(FOR RECORDING DATA ONLY)

Property Address:

11670 Memphis-Arlington Road

Tax Parcel No:

A01-41-0338

Mail Tax Bills to: (Person or Agency responsible for payment of taxes)

Exempt - Government

Owners Name and Address:

**Shelby County Government
160 N. Main Street
Memphis, TN 38103**

This instrument prepared by:

**Shelby County Land Bank
584 Adams Street
Memphis, TN 38103
Phone No. (901) 545-4323**

Tax Parcel Number: A01-41-0338

Northeast corner of Memphis-Arlington Road and Jetway Drive
known as the Shelby County Sheriff's Substation in the Town of Arlington

